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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
OBA HASSAN WAT BEY, ET AL.,
Plaintiffs,

-v-

CITY OF NEW YORK, ET AL.,
Defendants.
-----X

99 Civ. 03873 (AJN)
01 Civ. 09406 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

I. BACKGROUND

On May 29, 2012, Plaintiff Oba Hassan Wat Bey filed a motion to amend his complaint in this matter. Based on the Defendants' failure to submit a response to this motion, the Court deemed this motion unopposed. (*See* D.E. 330). In its July 19, 2012 Order addressing the motion to amend, the Court recounted some of the procedural history of this case as it pertains to the successive amendments to the complaints. The Court noted a discrepancy between Plaintiffs' moving papers, which requested to amend only on behalf of Plaintiff Oba Hassan Wat Bey, and the Proposed Amended Complaint submitted with that motion, which appeared to govern the claims of other individuals. (D.E. 330). The Court therefore rejected the Proposed Amended Complaint as inconsistent with the relief requested in the motion, ordering Plaintiff to serve and submit a revised Proposed Amended Complaint consistent with the Court's order. (D.E. 330).

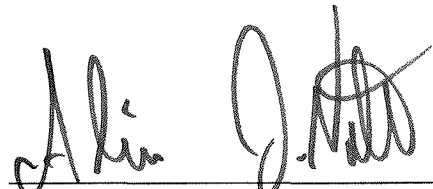
On July 23, 2012, Plaintiffs' counsel submitted a revised Proposed Amended Complaint (attached) that, consistent with the Court's July 19, 2012 Order, governs only the claims of Oba Hassan Wat Bey. However, the July 23, 2012 Proposed Amended Complaint contains new changes that were not identified in Plaintiffs' papers moving for leave to amend or included in the Proposed Amended Complaint submitted with that motion. For instance, paragraph 36 of the

Proposed Amended Complaint submitted with the moving papers alleges that, with regard to a list of certain Department of Correction employees, “[e]liminating all duplicates, this list contained the names of 780 DOC employees who had filed 40 or more exemptions. During the investigation, Caruso learned that an additional 748 employees had submitted false tax documents with the Department.” The corresponding paragraph in the July 23, 2012 Proposed Amended Complaint, paragraph 33, contains significant differences, alleging only that “[t]he list contained about 1800 names. Two-thirds of the list, about 1200, were Corrections employees.”

Because Plaintiffs’ revised Proposed Amended Complaint contains additional changes not identified in Plaintiffs’ moving papers or included the Proposed Amended Complaint submitted with those papers, and beyond those allowed by the Court’s July 19, 2012 Order, Plaintiffs’ Proposed Amended Complaint is rejected. Plaintiffs shall serve on opposing counsel and submit to the Court a revised Proposed Amended Complaint consistent with this Order and the Court’s July 19, 2012 Order no later than July 27, 2012.

SO ORDERED.

Dated: July 27, 2012
New York, New York


ALISON J. NATHAN
United States District Judge